

FILED

16 JUN 14 PM 2:49

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRANDON WAGNER,

Defendant.

) INDICTMENT

1 : 16 CR 200

) **JUDGE BOYKO**

) CASE NO. Title 21, §§ 841(a)(1) and (b)(1)(C), United
) States Code
) Title 21, § 843(b), United States Code
)

COUNT 1

The Grand Jury charges:

On or about March 16, 2016, in the Northern District of Ohio, Eastern Division, BRANDON WAGNER the defendant herein, did knowingly and intentionally distribute a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

ENHANCED PENALTY UNDER TITLE 21,
UNITED STATES CODE, SECTION 841(b)(1)(C)

(Death or Serious Bodily Injury Resulting from Use of Controlled Substance)

The allegations of Count 1 are hereby re-alleged and incorporated herein. On or about March 16, 2016, in Cleveland, Ohio, IND-1, a person whose identity is known to the grand jury,

did fatally ingest and overdose on a controlled substance, namely heroin, which BRANDON WAGNER had distributed to IND-1.

As a result of BRANDON WAGNER's distribution of heroin as alleged in Count 1, death did result from the use of heroin, a Schedule I controlled substance.

All in violation of the enhanced penalty provisions of Title 21, United States Code, Section 841(b)(1)(C).

COUNT 2

The Grand Jury further charges:

On or about March 16, 2016, in the Northern District of Ohio, Eastern Division, and elsewhere, BRANDON WAGNER did knowingly and intentionally use a communication facility, to wit: a telephone, to facilitate acts constituting a felony under Title 21, United States Code, Section 841(a)(1), in violation of Title 21, United States Code, Section 843(b).

FORFEITURE

The Grand Jury further charges:

For the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853, the allegations of Counts 1-2 are incorporated herein by reference. As a result of the foregoing offenses, defendant BRANDON WAGNER shall forfeit to the United States any and all property constituting, or derived from, any proceeds he obtained, directly or indirectly, as the

result of such violations; and any and all of his property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations.

A TRUE BILL.

Original document -- Signatures on file with the Clerk of Courts pursuant to the E-Government Act of 2002.